

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

CORNELIUS WYATT,
TDCJ #631802,
Plaintiff,

v.

JOHN DOE, *et al.*,
Defendants.

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CIVIL ACTION NO. H-06-1343

ORDER FOR A MARTINEZ REPORT

Cornelius Wyatt is a state inmate in custody of the Texas Department of Criminal Justice - Correctional Institutions Division (collectively, “TDCJ”). Wyatt filed this lawsuit under 42 U.S.C. § 1983, *pro se* and *in forma pauperis*, alleging violations of his civil rights. Wyatt sues two “John Doe” defendants employed by TDCJ as transportation officers. He alleges that these unnamed defendants were negligent or deliberately indifferent to his safety during transport from the Darrington Unit in Rosharon to the Connally Unit on July 22, 2005, after the bus developed a flat tire and then caught on fire, causing an injury to Wyatt’s arm.


According to the complaint and the attached exhibits, Wyatt is unable to identify the individual defendants by name. Wyatt indicates, however, that TDCJ has conducted an internal investigation of the incident that forms the basis of his complaint. To supplement the pleadings, and so that the Court can evaluate Wyatt’s claims as required by 28 U.S.C. § 1915A, the Court concludes that additional information is necessary in the form of a report under *Martinez v. Aaron*, 570 F.2d 317 (10th Cir. 1987). *See Cay v. Estelle*, 789 F.2d 318,

323 & n.4 (5th Cir. 1986) (discussing the utility of a *Martinez* report).

Accordingly, the Court **ORDERS** the State Attorney General's Office to provide a *Martinez* report to the Court for its review within **sixty (60) days**.

The Clerk will provide a copy of this order to the parties. The Clerk shall further provide a copy of this order, along with a copy of the plaintiff's complaint (Doc. # 1), to Jacqueline Lee Haney, Assistant Attorney General for the State of Texas, Law Enforcement Defense Division, P.O. Box 12548, Austin, Texas 78711-2548, by certified mail, return receipt requested.

SIGNED at Houston, Texas on April 3, 2007.



Nancy F. Atlas
United States District Judge